IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 7th day of September 2005
Bail application no. 724 **of 2005**
Order on the bail application of accused

Criminal Side

Tej Pal @ Pradhan S/o Sri Seria @ Buchha
R/o Village Khanpur Kalan
Police Station Jhijhana
District Muzzafar Nagar (U.P.) …..Applicant

Versus

State of Uttaranchal ... Opposite Party

Arising out of Case Crime No. 1118 of 2005
Under Sections 395, 397 and 412 of I.P.C. and
2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986
Police Station Rudrapur
District Udham Singh Nagar

By the Court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 1118 of 2005, Under Sections 395, 397 and 412 of I.P.C. and 2/3 U.P. Gangster and Anti Social Activities (Prevention) Act, 1986 Police Station Rudrapur District Udham Singh Nagar.

Heard Vivek Shukla, learned counsel for the applicant, learned A.G.A. and perused the record.

It is alleged by the prosecution that the recovery of some golden ornaments have been recovered from the possession of the applicant after 8 days of the incident. The alleged recovery alone will not connect the applicant with the actual commission of crime of dacoity. The learned A.G.A. has submitted that at the time of recovery of the valuable ornaments, the applicant was present and he was indentified by the applicant but to my mind this type of identification would not be sufficient to warrant the conviction of the accused/applicant.

Learned A.G.A. could not produce any criminal history of the applicant before me.

Having considered the aforesaid facts and circumstances of the case, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Tej Pal @ Pradhan be released on bail on his executing a personal bond and furnishing two sureties each in the like amount of the satisfaction of C.J.M. concerned.

(B.C. Kandpal, J.)

07.09.2005
ASWAL